

Tammy Wells

From: Mark Tate
Sent: Friday, September 3, 2021 11:15 AM
To: Tammy Wells
Subject: FW: Amityville Litigation

Can you please print this.

M

From: "Amer, Andrew" <Andrew.Amer@ag.ny.gov>
Date: Friday, September 3, 2021 at 9:16 AM
To: Mark Tate <marktate@tatelawgroup.com>
Subject: RE: Amityville Litigation

Mark-

This will respond to your request for clarification concerning the status of the plaintiff subdivisions in the Village of Amityville action under the Distributors New York Settlement Agreement ("Distributors NY Agreement") based on the amendment to the Mental Hygiene Law that extinguishes plaintiffs' claims in their pending state court litigation by operation of law. This will confirm that the extinguishment of plaintiffs' claims by operation of law under the amendment does not exclude them from the definition of "Litigating Subdivision" set forth in Section II.Z of the Distributors NY Agreement. Nor does the extinguishment of their claims under the amendment bring them within the definition of "Later Litigating Subdivision" set forth in Section II.X. Rather, because each plaintiff meets the definition of "Litigating Subdivision" in Section II.Z, it is deemed to be a "Participating Subdivision" as a result of the extinguishment of their claims under the amendment pursuant to Section IV.A ("A Litigating Subdivision . . . may become a Participating Subdivision . . . by having its claims extinguished by operation of law . . ."). You can confirm that all of your clients are "Litigating Subdivisions" within the meaning of Section II.Z by checking Exhibit E to the Distributors Agreement, which is the Agreed List of New York State Litigating Subdivisions.

As Litigating Subdivisions deemed to be Participating Subdivisions, their eligibility to receive funds, either directly or indirectly, is governed by the terms of the New York Opioid Settlement Sharing Agreement, which is Exhibit N to the Distributors NY Agreement.

All the best for the holiday weekend,

Andy

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From: Mark Tate <marktate@tatelawgroup.com>
Sent: Wednesday, September 1, 2021 6:14 PM
To: Amer, Andrew <Andrew.Amer@ag.ny.gov>
Subject: Call

[EXTERNAL]

Dear Andy:

Would you please call my office at 912 234 3030 or cell 912 484 1762.

Thank you. Would like to discuss the matter in ED NY.

M

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